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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,003	11/12/2003	Stephen Miller	2058.300C	5234

7590 11/13/2006
CONNORS & aSSOCIATES INC
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NEWPORT BEACH, CA 92660-2427

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/726,003	Applicant(s) MILLER, STEPHEN	
	Examiner Winnie Yip	Art Unit 3636	


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 28 August 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


 Winnie Yip
 Primary Examiner
 Art Unit: 3636

Continuation of 10. Other (including any explanation in support of the above items):

1). In Item 4:

(a) the brief fails to contain a concise explanation of the subject matter defined in each of the independent claims involved in the the appeal. Regard to independent claim 61, the explanation of the subject matter does not appear consistent of the subject matter as defined in the specification. For example, on pages 3 and 4 of the Brief, indicated "this structure is disclosed in on page 14" and "As staed on page 15" are incorreced. These descriptions appear being defined in the specification on pages 15 and 16 respectively. However, page 16 of the specification (pg. 15 in the Brief) does not explain the subject matters of "a pair of rigid tubular members" and "rigidizing member". The explanation of "roof rigid member" and "collapsible sections" is not for the claimed subject matter in claim 61.

(b) The brief only contains an explanation of the subject matter for claim 61 but fails to contain a concise explanation of the subject matter for each other independent claims (ie., claims 62, 63, 67, 69, 70), since the subject matters in each independent claim is not the same.

2) In Item 6:

The brief does not present an argument for each ground of rejection for each of independent claims on appeal. The discussion of "Brady disclosure" does not provide a concise argument for each separated independent claim.

3) The "Drawing Appendix B" is not necessary. All drawings will be based on the drawings in the record (filed July 7, 2004). And, it should be cancelled form the Appeal Brief.

4). The "Claims Appendix A", the list of claims should not contain the claim status (such as NEW), the language of the claims should be not "Italic bonded".